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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,170	07/27/2000	Jean Pierre De Vries	3382-53710	9560
26119	7590	01/26/2005	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			VUONG, QUOCHIE B	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,170

Applicant(s)

DE VRIES, JEAN PIERRE

Examiner

Quochien B Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-14, 16-22, 24-28 and 30-35 is/are rejected.
- 7) ☒ Claim(s) 5, 11, 15, 23, and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-10, 12, 14, 16-22, 24, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Shapira (US 5,086,394).

Regarding claim 1, Shapira (figures 1 and 6) discloses in a data communications network having a plurality of mobile personal inform devices (14) and at least one server computer (12), a method of providing a place-and-people based information service run on the at least one server computer to users operating the mobile personal information devices, comprising: defining for a user of the information service a list of people (column 5, lines 9-40); receiving reports of locations of the mobile personal information devices operated by the user and by the listed people (column 5, lines 41-64); determining based on the reported locations which of the listed people are within a specified proximity of the user (column 5, line 65 – column 6, line 11); and transmitting information identifying which of the listed people are within the specified proximity of the user to the user's mobile personal information device (column 6, lines 12-33).

Regarding claim 2, Shapira discloses the method of claim 1 further comprising transmitting the information in response to a search request submitted by the user (column 5, lines 51-57).

Regarding claim 3, Shapira discloses the method of claim 1 further comprising: detecting that the determination of which of the listed people are within a specified proximity of the user has changed as a result of any of the reports of locations; and transmitting the information in response to the detecting (column 10, lines 55-60).

Regarding claim 4, Shapira discloses the method of claim 1 wherein the specified proximity is user controlled via setting a user-specified proximity parameter (column 6, lines 52-59).

Regarding claim 6, Shapira discloses the method of claim 1 further comprising: user-controllably setting a notification enabling parameter to disable the transmitting the information to the user's mobile personal information device (see figure 4a, on/off switch 46).

Regarding claim 7, Shapira discloses defining for the user a plurality of groups of the listed people; designating for the user to receive the information of a subset of the groups; and excluding those of the listed people not in the designated subset from identification in the transmitted information (column 5, lines 58-64).

Regarding claim 8, Shapira (figures 1, 2 and 6) discloses a place-specific buddy list service system operated on server computers of a distributed data communications network for access from personal data communications computers, the system comprising: a database maintaining a people/place state for a user of the service (12), the people/place state enumerating at least one group of people also using the service and locations of such people (14) (column 5, lines 9-40); a people location tracker operating responsive to reports of the location of the people to update the people/place

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state (column 5, lines 41-64); and an inference engine operating to process the people/place state to infer which of the people are in the user's proximity (column 5, line 65 – column 6, line 11), and to generate a notification for the user having information identifying the people inferred to be in the user's proximity (column 6, lines 12-33).

Regarding claim 9, Shapira discloses the system of claim 8 further comprising an eventing engine operating responsive to a change in the people/place state to cause the inference engine to process the inference and generate the notification (column 10, lines 55-60).

Regarding claim 10, Shapira discloses the system of claim 8 further comprising a search engine operating responsive to a user-initiated search request to cause the inference engine to process the inference and to cause the notifier to generate the notification (column 5, lines 51-57).

Regarding claim 12, Shapira discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the notification in accordance with a set of parameters, including a proximity scope parameter to control a scope within which the people are considered to be in the user's proximity (column 6, lines 52-59).

Regarding claim 14, Shapira discloses the system of claim 8 wherein the inference engine infers which people are in the user's proximity and generates the notification in accordance with a set of parameters, the inference engine responding to user selection of one of a plurality of user-defined modes specifying settings of the

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parameters to apply the parameter settings specified in the user-selected mode (column 6, lines 52-59).

Regarding claims 16 and 17, Shapira discloses the inference engine to infer which people are in the user's proximity and generates the notification in accordance with the value of at least one of the parameters varying by place or time (column 5, lines 51-57).

Regarding claim 18, Shapira (figures 1, 2 and 6) discloses a computer-readable medium having programming carried thereon of an information service providing notifications as to proximity of listed persons, the carried programming comprising: program code operating responsive to user control to manage a listing of persons (column 5, lines 9-40); program code operating responsive to place-detecting equipment to track locations of the user and the listed persons (column 5, lines 41-64); program code operating to process the tracked locations and identify those of the listed persons whose locations correlate with that of the user in accordance with settings of a plurality of parameters (column 5, line 65 – column 6, line 11); and program code operating to provide information of the identified persons to the user (column 6, lines 12-33).

Regarding claims 19-21, Shapira discloses program code operating to apply parameter settings specified to a place, an activity, or per a time schedule (column 5, lines 51-64).

Regarding claim 22, Shapira discloses defining for the user a plurality of groups of the listed people; designating for the user to receive the information of a subset of the

groups; and excluding those of the listed people not in the designated subset from identification in the transmitted information (column 5, lines 58-64).

Regarding claim 24, Shapira (figures 1, 2 and 6) discloses a method of facilitating group communications, comprising: storing data defining a group of persons and their locations (column 5, lines 9-40); continually updating the data with persons' current locations (column 5, lines 41-64); continually processing the data to identify at least one subset of the group whose locations correlate to within a given proximity (column 5, line 65 – column 6, line 11); providing notifications to those, in the at least one subset, the notifications including a reference to a group communications medium session for use by an individual in the at least one subset to establish a connection to the session (column 6, lines 12-33).

Regarding claims 26-28, Shapira discloses the specified proximity is a hierarchical proximity, a specified venue, or traveling to a common destination (column 5, line 65 – column 6, line 11).

3. Claims 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Tendler (US 6,519,463).

Regarding claim 31, Tendler (figure 1) discloses in a data communications network having a plurality of mobile personal inform devices (10) and at least one server computer (50), a method of providing a resource information service run on the at least one server computer to users operating the mobile personal information devices, comprising: defining for a user of the information service a list of resource (column 1,

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lines 52- 55); receiving reports of locations of the listed resources and a mobile personal information device operated by the user (column 1, lines 55-63); determining based at least in part on the reported locations which of the listed resources are within a specified proximity (nearest) of the user (column 1, lines 55-63) wherein the determining is performed by an inference engine (column 5, line 44-58); and transmitting information identifying which of the listed resources are within the specified proximity of the user to the user's mobile personal information device (column 1, lines 55-63; column 2, lines 9-18), wherein the resources are resources other than people (column 2, lines 5-8).

Regarding claim 32, Tendler discloses transmitting the information in response to a search request submitted by the user (column 1, lines 52-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira in view of Tendler.

Regarding claim 13, Shapira does not disclose the inference engine further operates to infer resources other than the people are in the user's proximity, and to include information of such resources in the notification. However, Tendler discloses requesting resources other than people in the user's proximity (nearest to the user) and

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including information of such resources in the notification (column 1, lines 52-64; and column 5, line 55-58). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Tendler to Shapira for providing information of the requested resources in the user's proximity to the user.

6. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira.

Regarding claim 25, Shapira discloses the specified proximity is a specific geographic area (column 5, line 65 – column 6, line 11), therefore, it would be obvious for the specified proximity is a measure of distance from the user so that the user can arrange to meet that person of the same interests.

Regarding claim 30, Shapira discloses at least one of the plurality of user-defined modes is selected with the same personal interests (column 5, lines 51-64), therefore, it would be obvious that the at least one of the plurality of user-defined modes in the method of Shapira is selected by the system based on observation of user behavior in order to selected people to match the use's interest.

7. Claim 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tendler.

Regarding claims 33-35, Tendler discloses the method of claim 31, and it would be obvious for the user to set a user-specified proximity parameter of the resource,

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wherein the specified proximity is measured in a multi-dimensional space comprises a physical location dimension and a non-physical-location dimension when the user ask for the resource (column 1, line 64 – column 2, line 18) so that the user can manage to get to the resource.

Allowable Subject Matter

8. Claims 5, 11, 15, 23, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 5, 11, 15, 23, and 29, Shapira fails to disclose maintaining visibility parameters per each of the listed people; and omitting to identify those of the listed people whose visibility parameter is set to not visible from the transmitted information.

Response to Arguments

9. Applicant's arguments, see pages 9-10, filed 07/15/2004, with respect to the rejection(s) of claim(s) 1-4, 6, 8-10, 12, 14, 18, 24, and 25 under 35 USC 102(e), and claims 7 and 22 under 35 USC 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shapira (US 5,086,394).

10. Applicant's arguments filed 07/15/2004 have been fully considered but they are not persuasive with respect to the rejections of claims 31-33.

Regarding claim 31, Applicant argues that Tendler fails to disclose "determining based at least in part on the reported locations which of the listed resources are within a specified proximity of the user, wherein the determining is performed by an inference engine". However, the examiner does not agree with the Applicant. Tendler discloses determining based at least in part on the reported locations which of the listed resources are within a specified proximity (nearest) of the user (column 1, lines 55-63) wherein the determining is performed by an inference engine (column 5, line 44-58, wherein the unit 70 of figure 1 read on the inference engine which accesses a database 68 contains location of the service provider and correlates with the position of the cellular phone).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Sasaki (US 5,926,765) disclose a mobile telephone system for determining a position of a mobile telephone.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong

Jan. 19, 2005.